

ORIGINAL

LAWLER, METZGER & MILKMAN, LLC

1909 K STREET, NW
SUITE 820
WASHINGTON, D.C. 20006
PHONE (202) 777-7700
FACSIMILE (202) 777-7763

FY PARTE OR LATE FILED

November 2, 1999

RECEIVED

NOV 2 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND

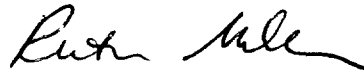
Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

RE: Written Ex Parte Submission
In the Matter of Deployment of Wireline Services
Offering Advanced Telecommunications Capability
CC Docket No. 98-147

Dear Ms. Salas:

Pursuant to section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. §1.1206(b)(1), an original and one copy of the enclosed letter are being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,



Ruth Milkman

Enclosure

cc: Lawrence Strickling
Jane Jackson
Carol Matthey
Margaret Egler
Don Stockdale
Staci Pies
Vincent Paladini
Howard Shelanski
Pat DeGraba
David Hunt

No. of Copies rec'd
List ABCDE

0+1



Maxim Telecom Consulting
Group
P.O. Box 2448
Mendocino, CA 95460
707 937-0636
916 491-1001

November 2, 1999

Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, SW - Room TW - A325
Washington, D.C. 20054

Re: Written Ex Parte Submission, CC Docket No. 98-147

Dear Ms. Salas:

This letter responds to the ex parte filings on Line Sharing submitted by Bell Atlantic on October 19, 1999 and Telcordia on October 21, 1999. Parts of those filings concern the impacts of Line Sharing on Operations Support Systems (OSSs) and specifically comment on my Statement, which was submitted in this proceeding on September 30, 1999 (Statement), on behalf of Bluestar Communications, Inc., Covad Communications Company, HarvardNet, Inc., Network Access Solutions, NorthPoint Communications, Inc., and Rhythms NetConnections, Inc.

Summary

The Bell Atlantic and Telcordia filings confirm our view that the majority of changes needed for OSS can be completed within six months. If necessary, manual workarounds can be used until the remaining OSS enhancements are completed, which Bell Atlantic estimates to be nine months. With respect to some matters, we are in agreement with Bell Atlantic and Telcordia. For example, we agree with Bell Atlantic that routine testing issues can be resolved by changes in methods and procedures, and do not require OSS changes. With respect to other matters, we continue to dispute Bell Atlantic's conclusions, in many cases because its conclusions are unsupported. For example, Bell Atlantic's claims with respect to time delay and cost continue to be unsubstantiated. Bell Atlantic does not explain the nine-month delay, and does not rebut our explanation for the conclusion that OSS can be modified more promptly. Third, Bell Atlantic and Telcordia continue to focus only on flow-through provisioning. In today's world, all CLEC orders for DSL capable loops from Bell Atlantic are handled manually. We have demonstrated that a GUI-based, non-flow-through process could

be implemented promptly, and, if it provides parity, would be considered compliant until all OSS enhancements are complete.

1. Ordering Shared Loop

Bell Atlantic agrees with MTG that the ordering and preordering processes need additional development to provide flow-through capability in a mass-market environment. Bell Atlantic asserts, without further justification, that "manual workaround[s] [are] simply not feasible," and that the development effort would require about nine months.¹

Manual workarounds have been used often in the early stages of telecommunications deregulation, including for inter-LATA long distance, local number portability, and local exchange services competition. Assuming limited order volumes for line sharing that are typical of ramp-up situations, we believe that manual workarounds for line sharing would be feasible, at least for an interim period.

A combination of manual workarounds and a GUI-based non-flow-through process can be implemented in significantly less than 9 months for two reasons. First, the significant functionality already in use for UNE pre-ordering and ordering functions provides a strong base to which only incremental changes are needed. Secondly, Bell Atlantic's own past performance making OSS modifications indicates that its current estimate of nine months is too pessimistic.

Stuart Miller, on behalf of Bell Atlantic, in his affidavit to the Massachusetts Department of Telecommunications and Energy on OSS capabilities in support of the company's 271 application states: "The Web GUI, which has been available from BA-MA since October 1996 for Resale and January 1997 for UNEs, provides Competing Carriers with the same functionality available to BA-MA retail employees using graphical user screens, displayed directly on their desktop computers, to enter and send requests to, and review responses from, BA-MA's OSS."² The Web GUI was developed in response to the FCC's First Local Competition Order³ released on August 8, 1996 and the Second Order on Reconsideration⁴ released on December 13, 1996 in order to provide access to OSS for unbundled network elements. In other words, Bell Atlantic needed less than six months to design and implement an entirely new GUI for access to UNEs. In light of that performance, it would appear reasonable to expect Bell Atlantic to make relatively minor changes to an existing OSS in less than three months, and certainly well within six months.

¹ Bell Atlantic ex parte, October 18, 1999, MTG ILEC Concern #1.

² Stuart Miller Affidavit of 5/17/99 page 5 paragraph 9

³ First Report and Order, FCC 96-325 (released 8/6/96)

⁴ Second Report on Reconsideration, FCC 96-476 (released on 12/13/96)

Flow-through processing of line sharing orders is a goal that is mutually beneficial to all ILECs and CLECs. However, it is not currently, nor has it ever been, a pre-requisite to the placement of orders by CLECs when manual and GUI options can be used as an interim process. One of the key determining factors as to the feasibility of using manual workarounds for an extended period of time is the volume that is expected to be experienced. Since manual work-arounds for line sharing will only be required in the short term during the lower volume ramp-up period, they appear feasible. We agree with Bell Atlantic that manual work-arounds are not feasible as a long-term solution, as they are too resource-intensive for both competitive and incumbent LECs to sustain permanently.

Once the manual workarounds and GUI-based processing is in place, Bell Atlantic could pursue its flow-through processing capabilities that it estimates will require nine months to complete. Neither Bell Atlantic nor Telcordia provided details on the nature of the development sufficient to assess the appropriateness of the nine-month time frame.

2. Provisioning Two Services On The Same Loop

Both Bell Atlantic and Telcordia imply that MTG suggested that Digital Added Main Line (DAML) and, in Telcordia's case, Universal Digital Carrier (UDC) as workable solutions for line sharing. This implication is plainly wrong. MTG did not suggest DAML or UDC as a model for a line-sharing solution; rather we suggested they "involve inventorying multiple services on a single loop and represent strong analogies to Line Sharing."⁵ We acknowledged that "additional codes similar to those used with UDC and [ILEC-provided] ADSL" would be needed. Our reference to DAML and UDC was to show that ILECs and their OSS vendors have developed several ways of provisioning, inventorying, and managing two services on the same loop.

In further comments with regard to the "two services on one loop" point, Telcordia states "All assignment algorithms for unbundled elements in LFACS and the SWITCH system assume only two end points: the customer and the meet point for unbundled loops and sub-loops, the meet point and a switch port for switch unbundling." Bell Atlantic⁶ makes a similar point when it asserts that "existing assignment systems (LFACS/SWITCH) cannot accommodate line sharing without enhancement to establish a Meet Point (CFA-like for splitter assignment and associated terminations) and leave the voice line intact." Bell Atlantic in its response to the MTG filing makes the statement that⁷ "BA ADSL orders can flow through BA's provisioning OSS." In order for this flow-through provisioning to correctly assign facilities, including Meet-Points, one can

⁵ MTG filing 9/30/99 at p. 19

⁶ Bell Atlantic filing in response to MTG, Concern 2

⁷ Bell Atlantic filing in response to MTG, Concern 2

infer that the assignment algorithms already implemented in Bell Atlantic's OSS can support, in an automated fashion, three end points for its own ADSL services that share a line - the customer end point, the splitter end point, and the switch port end point). Since this challenge is similar whether it is a Bell Atlantic shared line or a CLEC-ILEC shared line, the need for a solution is already driven by Bell Atlantic's needs and the solution it used for itself could be adapted to support the incremental needs of CLEC-ILEC line sharing.

It appears that Telcordia has developed for Bell Atlantic a workable ILEC-ILEC line sharing solution that is different, and possibly better, in its implementation than MTG's suggestion. Telcordia should be applauded for this, as the important fact is the solution, not the design details. There is a spectrum of functionally similar solutions for provisioning line sharing and OSS vendors will undoubtedly differ in their design details. Telcordia's solution may be appropriate for both its own business strategy as well as the strategies of its customers using its embedded base of legacy systems. Since Telcordia has determined that modeling xDSL services as a single service for provisioning purposes is more appropriate than tracking it as two services, MTG accepts that as a reasonable approach. Regardless of the business and implementation details, the solution should be applicable to CLEC-ILEC line sharing as well as to ILEC-ILEC line sharing.

Bell Atlantic has recently added flow-through processing capability for its own xDSL orders. This newly implemented capability means that Bell Atlantic has even fewer modifications to make than do other ILECs to accommodate flow-through processing for CLEC-ILEC line sharing. In order to introduce this capability, they have established the core systems infrastructure, including assignment algorithms and service tracking capabilities, needed to provide flow-through provisioning. In doing so, some of the same problems associated with CLEC-ILEC line sharing, such as identifying two services on one line (whether tracked as one logical unit or two) and accommodating multiple end points as discussed above, have been at least partially, and more likely totally, addressed to support flow-through processing of Bell Atlantic's own ADSL orders. This means fewer modifications and/or less complex modifications are required to its OSS to incrementally address line sharing than if had not already done some of the development for its own needs.

Our conclusion that basic changes for line sharing could be done in less than six months is further bolstered by an ex parte presentation to the FCC⁸ where SBC/Ameritech commit the merged entity to "provide such line sharing ... beginning not later than 3 months and completing within 12 months after (a) and (b) listed above have occurred." This implies clearly that SBC/Ameritech and their OSS suppliers, including Telcordia, have either begun such development work or have confidence that the development effort is moderate.

⁸ "Proposed Conditions for FCC Order Approving SBC/Ameritech Merger", July 1, 1999, p. 19, paragraph 33.

3. Tracking Two Addresses, Customers, And Service Providers On One Loop

Telcordia states⁹ that the addition of a "new data element for DLEC identification would have widespread impact within each OSS." This statement might be true if an entirely new DLEC identification element must be created, but it appears to ignore the possibility of using existing elements, such as Uniform Service Order Codes (USOCs) and Field Identifiers (FIDs) to identify the DLEC.

Bell Atlantic makes the point¹⁰ that retail services such as ADSL "appear in the provisioning and assignment systems as one record in telephone number format." Bell Atlantic goes on to state that "new USOCs/FIDs would be required to facilitate the tying of the required voice and line sharing records together." The widespread proliferation of USOCs/FIDs is evidence that these functionalities are neither hard to create nor difficult to incorporate into existing OSSs.

As was the case with regard to point 2, in its design and implementation, Telcordia implies that a circuit record with an embedded telephone number (TN) is the only function that can be used to track and manage shared lines. There are, however, other records with embedded circuit numbers. It is feasible to use one record, say the TN-format record, to track the POTS portion and a circuit number-format record to track the data portion of the service. There are ways to "link" these two records so that the functional equivalent is a logical record that enables the ILEC to manage two addresses, customers, and service providers on one loop. It should be noted, that in the typical case of CLEC-ILEC line sharing there will only be one address just as with ILEC-ILEC line sharing. Telcordia may have chosen to have a single circuit record with a telephone number format rather than two cross-referenced records, one of which is in TN format and the other in circuit number format. To imply that provisioning systems are absolutely constrained by such design considerations is to ignore the possibility of using existing data elements in creative ways to "facilitate tying of the required voice and line sharing records together. The chosen solution should be modified to accommodate CLEC-ILEC line sharing requirements.

4. Notifying Both The CLEC And POTS Customer Of Problem On Loop

Bell Atlantic states that "Trouble report tracking OSSs and cooperative CLEC/ILEC M&Ps will need to be developed/modified to recognize that the loop for BA voice customer has line sharing applications and will require special handling for maintenance and repair." ¹¹

There are issues regarding trouble identification and resolution, but they are primarily ones of methods and procedures and could be expeditiously resolved given a good faith

⁹ Telcordia ex parte 10-21-99 at p. 3

¹⁰ Bell Atlantic filing response to MTG Concern 3

¹¹ Bell Atlantic filing response to MTG Concern 4

effort on the part of all parties concerned. Bell Atlantic's reference to development/modification of trouble report tracking OSSs does not provide sufficient detail to assess the significance of its claim. However, estimates provided by U S West on this topic can serve as a useful proxy. In its recent filing on this same subject, U S West estimated that repair systems could be modified to support line sharing for between \$80,000 and \$100,000¹². Since in some cases, the systems used by U S West and Bell Atlantic are essentially the same OSS from the same vendor, this estimate could be representative of most or all of the repair OSS changes needed for line sharing.

5. Performing Routine Automated Testing Without Disrupting Other Service

As Bell Atlantic states, routine testing is more an issue of methods and procedures than OSS capabilities. Bell Atlantic does not challenge our finding that "The level of effort related to ILEC OSS in this area is low."¹³ MTG is in agreement with Bell Atlantic that testing arrangements should be part of the service definition.

6. Number Of Trouble Tickets

MTG agrees with the Bell Atlantic statement that "volume of trouble tickets is not an issue."¹⁴ We came to that same conclusion in our statement filed on September 30, regarding concerns¹⁵ expressed by U S West that "service providers would need to develop new processes to avoid the issuance of two repair tickets for a single problem." Bell Atlantic, in saying that there is "currently no capability to track a circuit trouble ticket with a voice trouble ticket in trouble report systems"¹⁶ seems to assume MTG's proposed "two-record" solution as described in point 2 above. If however, Bell Atlantic tracks trouble for voice and data in a unitary way, its objection is moot. Presumably Bell Atlantic is able to track and correlate voice trouble reports and data trouble reports for its own ADSL customers. Development of a correlation procedure for ILEC and CLEC testing is one primarily of method rather than systems development.

7. Repair And Maintenance Issues

Bell Atlantic states that "Because at a minimum two carriers will be providing two different end-user services to the same end-user customer, report generation, tracking, testing and closeout will require cooperation between the ILEC and the CLEC. In order to avoid finger pointing, well documented, proven

¹² U S West ex parte 10/7/99 at p. 22 of Barbara Brohl's presentation

¹³ MTG filing 9/30/99 at p. 29

¹⁴ Bell Atlantic filing response to Concern 5

¹⁵ U S West 7/22/99 at p.26

¹⁶ Bell Atlantic filing response to Concern 6

processes and complementary OSS capabilities must be carefully developed. Existing OSS capabilities do not address this situation and need modification."¹⁷

The issues raised by Bell Atlantic with regard to repair and maintenance are the same types of issues that get addressed every day with both UNEs and long distance service providers. These are not new issues requiring extensive modifications of OSSs to support. While modifications may be required, they are hardly extensive or expensive, as confirmed by U S West's estimate¹⁸ of a total of \$80,000 to \$100,000 to modify their repair process to accommodate line sharing. (This is the same cost estimate referred to in point 4, above.)

8. No way to bill both customers on one loop

Bell Atlantic agrees with MTG that new billing codes will be required for line sharing. It asserts, without any further evidence, that its ADSL billing arrangement "does not and can not accommodate CLEC use of loops."¹⁹ Having made this assertion, Bell Atlantic does not attempt to quantify the effort of work to accomplish any needed modifications. We can, however, use U S West's estimate of \$80,000 to \$100,000²⁰ for billing OSS modification as a useful surrogate to conclude that the effort is not extensive. (This estimate is specifically for billing related OSS and is in addition to the \$80,000 to \$100,000 for repair and maintenance related OSS previously discussed under points 4 and 7.)

In summary, we would like to make the following points regarding the Bell Atlantic and Telcordia filings:

- Bell Atlantic states that its OSS does have the capability to support "flow-through" of ADSL orders, but provides no additional information on what the network facilities are that are managed by this "flow-through" capability. For example, Bell Atlantic does not mention if its systems are managing splitters either as stand alone devices or integrated within the DSLAM. Telcordia's filing sheds no additional light on this topic. This is a key point, since Bell Atlantic²¹ claims that "existing systems (LFACS/SWITCH) cannot accommodate line sharing without enhancement to establish a Meet Point (CFA-like for splitter assignment and associated terminations) and leave the voice line intact." If we assume that Bell Atlantic must be using splitters when it offers voice and data over a single line, then its new

¹⁷ Bell Atlantic filing in response to MTG Concern 7

¹⁸ U S West ex parte 10/7/99 at p. 22 of the Barbara Brohl's presentation

¹⁹ Bell Atlantic filing in response to MTG Concern 8

²⁰ U S West ex parte 10/7/99 at p. 22 of Barbara Brohl's presentation

²¹ Bell Atlantic filing in response to MTG Concern 2

capability must be managing the splitter assignments for Bell Atlantic, and therefore the same capability should, without any significant problem, manage the assignments for a CLEC.

- Bell Atlantic has not provided any specific scope or magnitude of effort estimates to support their claims that OSS' need to be changed/modified, other than to say that it would take about "9 months to implement". Its past performance on similar modifications such as the Web GUI indicates that it can be done in significantly less time.
- Bell Atlantic also rejects any suggestions of manual workarounds in the context that only flow-through is acceptable. We do not believe that flow-through provisioning is a pre-requisite to CLEC-ILEC line sharing, just as it was not a pre-requisite to ILEC-ILEC line sharing. Bell Atlantic has only recently added that capability for its own ADSL orders. Assuming reasonable order volumes, manual workarounds may be feasible.

Respectfully submitted,

A handwritten signature in black ink, reading "Dennis J. Austin". The signature is fluid and cursive, with the first name "Dennis" and last name "Austin" clearly legible, and "J." in the middle.

Dennis J. Austin